

ATLANTIC COAST PIPELINE, LLC,  
*Plaintiff,*  
  
v.  
  
3.13 ACRES, MORE OR LESS, IN HALIFAX  
COUNTY, NORTH CAROLINA *et al.*,  
*Defendants.*

This cause comes before the Court on a motion by the defendant landowner seeking attorneys' fees and costs. Plaintiff has responded in opposition and has filed a motion seeking leave to serve limited discovery. The appropriate responses and replies have been filed and the matters are ripe for ruling.


The statute under which attorney fees and costs may be recovered requires that the fees and costs awarded must have been actually incurred. 42 U.S.C. § 4654(a). Plaintiff has demonstrated that a brief period of limited discovery is warranted in order to determine the import of an agreement in this case that the defendant landowner's fees and costs would be paid by the Blue Ridge Environmental Defense League.

Plaintiff's motion for leave to serve limited discovery [DE 65] is therefore GRANTED IN PART. Any discovery requests shall be reasonable and limited to this narrow inquiry.

Any interrogatories shall be served not later than January 19, 2021, and any response shall be served not later than February 9, 2021.

Should the parties require any additional briefing following the limited discovery period they may request as much by motion.

SO ORDERED, this 11 day of January, 2021.

  
TERRENCE W. BOYLE  
UNITED STATES DISTRICT JUDGE